



Update

Welcome to the weekly press briefing of the Kosovo Specialist Chambers, where we aim to provide journalists with an update on the latest developments at the court, and the opportunity to ask questions.

In the case of Sabit Januzi and Ismet Bahtjari, the public redacted version of the Framework Decision on Disclosure of Evidence and Related Matters became available on 24 October.

The legal framework of the KSC provides for several procedural steps to be taken by the Pre-Trial Judge and the Parties during the pre-trial phase to ensure that the case is prepared for transfer to a trial panel. One critical step is the establishment of a system regulating the exchange of evidence between the Parties. Adopting a system that ensures an efficient disclosure process is fundamental for the Pre-Trial Judge to achieve a balance between the duty to safeguard the protection of witnesses and victims and the obligation to uphold the rights of the Accused.

The decision sets out a calendar for disclosure of the different categories of evidence.

Specifically, the Pre-Trial Judge ordered the SPO to complete disclosure of all evidence supporting the indictment together with the public (redacted) version of a detailed outline of this material, by Wednesday, 8 November 2023.

Material the SPO intends to use at trial, such as witness statements, expert reports or exhibits, is to be disclosed by 15 December 2023. The Pre-Trial Judge also ordered the SPO to file any requests for protective measures in relation to such material as soon as possible, but no later than 17 November 2023.

In addition, the SPO has to provide the Defence with a detailed notice of evidence, listing any material and evidence in their possession, by Friday, 26 January 2024. The Defence is ordered to indicate to the SPO latest by Friday, 9 February 2024, which of the listed items it seeks to have access to. The SPO has to provide the Defence with access to the selected material that does not require redactions by no later than Friday, 16 February 2024, and to file a request for protective measures of selected material no later than Friday, 23 February 2024.

Furthermore, the SPO is ordered to request for redactions to exculpatory evidence, if any, at the earliest opportunity and to disclose the redacted material to the Defence immediately.

The Pre-Trial Judge also ordered the SPO to promptly bring to the attention of the Pre-Trial Judge if it possesses any evidence that it considers protected information not subject to disclosure.

Both parties are ordered to file the charts listing all documents to be disclosed to the other party, categorised in accordance with the charges in the indictment, within one week of filing their respective pre-trial briefs.





Finally, the Pre-Trial Judge ordered the Witness Protection and Support Unit to submit within five days an individual risk assessment for each witness for whom either party filed an application for non-disclosure.

The Pre-Trial Judge granted the SPO's request to adopt the Confidential Information and Witness Contacts Framework as specified in the decision and ordered the Parties to comply with this Framework.

In the case of Pjetër Shala, the 4th witness called by the Defence testified between Monday and Wednesday this week. The witness was questioned by the parties and the Trial Panel.

During the hearing on Wednesday, the Trial Panel in an oral order decided that, in case the accused is found guilty of one or more crimes charged, the sentence will be determined together with the pronouncement of the trial judgment.

The next hearing in this case is scheduled to take place on Monday, 20 November, starting at 9:30 in the morning.

On Monday, 30 October, hearings in the case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi will resume starting at 9:00 in the morning.

The appeal hearing in the case of Salih Mustafa started today at 13:30 and is likely to continue tomorrow. Prior to the hearing, the Panel reminded the Parties to focus on the grounds of appeal and to address a number of specific issues during their oral submissions.

Journalist Questions

There were no questions asked.

